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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 182 OF 2002

Petitioner : Mahamantri, Lal Jhanda Majdoor Union, Registration No. 3447 through its Mahamantri Ghanshyam Rajak aged about 40 years S/o Shri R.L. Rajak, Barggesh School Compound, Bilaspur.

Versus

Respondents :
1. Sahayak Sanchalak Udhyan, Sarkanda, Bilaspur (CG).
2. Udhyan Adhikshak, Shashkiya Udhyan Bahatarai, (Kopra) Bilaspur.
3. Labour Court, Bilaspur.

Present: Shri R.M. Pandey,counsel for the petitioner.
None for the respondents.

ORAL ORDER

(2nd February, 2006)

1. This petition filed under Article 226/227 of the Constitution of India challenges impugned order dated 20.9.2001 passed by the Labour Court in Case No. 16/I.D.A./C.O.C. III-A/2000.

2. The facts in nutshell are that the petitioner is Mahamantri, of Lal Jhanda Majdoor Union. He is neither a co-worker nor aggrieved worker but is a shop owner. A dispute was raised with regard to removal of one Savitri Bai and seven others on the ground that the provisions of Section 25-F of the Industrial Disputes Act has not been complied with and Savitri Bai and seven others have

been removed without payment of retrenchment allowance. The matter was referred to the Industrial Court under reference order dated 4.10.91 in case No. 80/1999 passed by the Deputy Labour Commissioner, Chhattisgarh Area, Raipur.

3. The Labour Court while dismissing the reference has come to the conclusion that the petitioner has failed to establish as to when the removed employees were employed, who was the employer and when their services were removed. It was admitted that the terminated employees were working on daily wages basis. On a query from learned counsel appearing for the petitioner it was not pointed out as to whether the reference order dated 4.10.95 was filed in this court or not.

4. This court has limited jurisdiction in exercise of its powers under Article 226/227 of the Constitution of India to the extent of examining whether the order is perverse, proper law has been applied or finding recorded is without any evidence.

5. In the facts of the present case and on perusal of the papers, I found that the conclusions recorded by the Labour Court is valid, legal and as such it does not call for any interference. Accordingly the petition is dismissed. No order as to cost.

Sd/-
Satish K. Agnihotri
Judge